

DEC 20 2007

Application No. 10/796,856  
Reply to Office Action of June 26, 2007

4

Docket No.: 65689DIV3(43382)

**REMARKS**

Claims 1-12 are pending in this application. Claims 1, 10, and 12 are amended herein. Accordingly, Claims 1-12 are pending after entry of this Amendment.

Claims 1, 10, and 12 are each amended to correct minor typographical errors. No new matter is added.

The claimed inventions are directed to methods and platens for analyzing properties of a set of substances. The platens include an inner layer of hydrophilic material and two outer layers of hydrophobic material. The claimed inventions also include a set of distinct substances in the through-holes of the platen.

**35 U.S.C. § 103(a)**

The Office Action rejects Claims 1-12 under 35 U.S.C. § 103(a) over U.S. Patent No. 4,682,890 to de Macario (hereinafter "de Macario"), U.S. Patent No. 5,290,705 to Davis (hereinafter "Davis"), and U.S. Patent No. 5,876,226 to Böcker (hereinafter "Böcker"). Applicant respectfully disagrees with this rejection.

de Macario is directed to a "microsample holder" for vertical beam spectrophotometers having a circular holes "on the order of about 3 mm in diameter" for retaining a liquid sample. de Macario, col. 2, lines 60-65.

Davis is directed to "a specimen support for observation or analysis," in particular for infrared microspectroscopy. Davis, col. 1, lines 53-55. Davis does not discuss reactions between samples, but instead shows a single liquid specimen applied to a device in such a manner to permit interrogation with infrared light. See Davis, col. 3, lines 24-27.

Böcker is directed to a "net" brought into contact with a liquid such that the liquid spreads across the meshes of the net to form a liquid film. Böcker, col. 2, lines 42-45.

With regard to Claims 1-9, the cited reference, alone or in combination, fail to teach or suggest a platen having a hydrophilic inner layer or a method wherein a set of distinct substances is retained in through-holes.

The Office Action notes that de Macario discloses coating the holder with a hydrophobic material. However, de Macario is completely silent on a hydrophilic inner layer. Likewise both Davis and Böcker do not disclose the use of a hydrophilic layer.

Application No. 10/796,856  
Reply to Office Action of June 26, 2007

5

Docket No.: 65689DIV3(43382)

Moreover, de Macario fails to teach or suggest retaining a set of distinct substances in respective through-holes in such a manner that a through-hole contains a first substance distinct from a second substance in an adjacent through-hole. While de Macario discusses "pre-anchored reagents," there is no suggestion that different reagents be anchored in different through-holes. Moreover, both Davis and Böcker teach away from retaining distinct substances in respective through-holes. In Davis, the support is dipped in the sample liquid, resulting in the same liquid in each through hole. See Davis, col. 3, lines 24-27. Böcker teaches a net where a liquid film forms across the meshes. Böcker, col. 2, lines 42-45. As clearly depicted in Fig. 2 of Böcker, liquids are not confined to a through hole, but rather flow together.

With regard to Claims 10-12, the cited references, alone or in combination, fail to teach or suggest a platen having a hydrophilic inner layer or a set of distinct substances retained in through-holes.

Thus, none de Macario, Davis, or Böcker, either alone or in combination teach or suggest the claimed inventions. Accordingly, Applicant requests the allowance of Claims 1-12.

The Office Action also rejects Claims 1-12 under 35 U.S.C. § 103(a) over de Macario, Davis, and U.S. Patent No. 6,071,748 to Modlin (hereinafter "Modlin") or U.S. Patent No. 5,985,214 to Styli (hereinafter "Styli"). Applicant respectfully disagrees with this rejection.

Modlin is directed to "an apparatus and method for detecting light transmitted from a composition" including a stage, a light source, and a detector. Modlin, col. 4, lines 11-27.

Styli is directed to "systems and methods that utilize automated and integratable workstations for identifying chemicals having useful activity." Modlin, col. 2, lines 35-41.

The cited references, alone or in combination, fail to teach or suggest a platen having a hydrophilic inner layer.

As discussed above, neither de Macario nor Davis teach or suggest a platen having a hydrophilic inner layer. Neither Modlin nor Styli remedy this deficiency. Both Modlin and Styli are completely silent on hydrophilicity.

Application No. 10/796,856  
Reply to Office Action of June 28, 2007

6

Docket No.: 65689DIV3(43382)

Thus, neither de Macario, Davis, nor Modlin or Stylli, either alone or in combination teach or suggest the inventions of Claims 1 and 10. Accordingly, Applicant requests the allowance of Claims 1-12.

**DOUBLE PATENTING**

Claims 1-12 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,743,633. Claims 1-12 are also rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-14 of U.S. Patent No. 6,387,331. It remains unknown what subject matter claimed and disclosed in the present application will be deemed allowable. Therefore, any statement regarding these rejections made on Applicants' part would be premature. Accordingly, Applicants respectfully traverse these rejections, and request that the rejections be held in abeyance until subject matter is deemed allowable in this application.

In view of the foregoing, Applicant requests entry of this Amendment, reconsideration of all the rejections, and allowance of the application with claims 1-12 presented herein. If a telephone conversation with Applicant's representative would be helpful to expedite prosecution of the application, Applicant urges the Examiner to telephone the undersigned at the number indicated below.

Dated: December 20, 2007

Respectfully submitted,

By   
Linda M. Buckley

Registration No.: 31,003

George W. Neuner

Registration No.: 26,964

EDWARDS ANGELL PALMER &amp; DODGE LLP

P.O. Box 55874

Boston, Massachusetts 02205

(617) 239-0100

Attorneys For Applicant